

SENATE BILL 488

By Johnson

AN ACT to amend Tennessee Code Annotated, Title 39, Chapter 13; Title 39, Chapter 17 and Title 40, Chapter 35, relative to criminal offenses and criminal sentencing.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 39, Chapter 13, Part 5, is amended by adding the following as a new section:

(a) A minor commits illegal use of a telecommunication device who:

(1) Intentionally or knowingly, by use of a telecommunication device, creates, receives, exchanges, sends, or possesses a photograph, video, or other material that shows a minor in a state of nudity; or

(2) Recklessly, by use of a telecommunication device, creates, receives, exchanges, sends, or possesses a photograph, video, or other material that shows a minor in a state of nudity.

(b)

(1) Illegal use of a telecommunication device committed under subdivision (a)(1) is a delinquent act and shall be punishable in the same manner as a Class A misdemeanor.

(2) Illegal use of a telecommunication device committed under subdivision (a)(2) is a delinquent act and shall be punishable in the same manner as a Class B misdemeanor.

(c) It is no defense to an offense under this section that the minor creates, receives, exchanges, sends, or possesses a photograph, video, or other material that shows the minor in a state of nudity.

(d) As used in this section:

(1) "State of nudity" means exhibiting the genitals, buttocks, anus, pubic, or rectal area or the female breast; and

(2) "Telecommunication device" has the same meaning as defined in § 39-16-201.

SECTION 2. This act shall take effect July 1, 2017, the public welfare requiring it.